IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CONTEMPT PETITION NO. 61 OF 2006
IN
NOTICE OF MOTION NO. 1452 OF 2006
IN
SUIT NO. 1221 OF 2006

UNITED HOUSING PVT. LTD. ..PETITIONER
V/S
SHREE DIGAMBAR JAIN CHITODA
PADMAVATI MITRA MANDAL,
MUMBAI & ORS. ..CONTEMNORS

MS. JYOTI CHAWAN FOR PETITIONER.
R.D. DAVE I/B N.N. VAISHNAWA & CO. FOR RESPONDENT.

CORAM : S.K. SHAH, J.
DATE : 29TH SEPT.2006.

P.C.

1. Heard learned counsel on both sides. The order of which the contempt is alleged is dated 3rd May, 2006 and by that order the Respondents (Original

Defendant Nos. 1 to 5) were injuncted from using the premises for any other activity except shop premises. The grievance of the petitioner is that even now the premises is being used by the Respondents as was used earlier to the order passed. Learned counsel for the Respondent states that no such activity has been carried out and there is no violation of the order of this court. The Respondents have only cleaned the premises and changed the clothes.

2. The second part of the order is that the Respondents shall not carry out any repairs, alterations or construction activity in respect of the suit premises.

3. In the circumstances no case is made out in the petition to show that the Respondents constructed the plat form. It is admitted position that the platform was already constructed before the order was passed. Under the circumstances I do not find any merit in the contempt petition.

3. Contempt petition is disposed of.

(S.K. SHAH, J.)